



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 14, 2008

The Honorable Martha Fuller Clark, Chairman
Energy, Environment and Economic Development Committee
Legislative Office Building, Room 102
Concord, New Hampshire 03301

Re: SB 406, relative to reducing the primary structures setback established in the Comprehensive Shoreland Protection Act to 30 feet in the Town of Wakefield

Dear Chairman Fuller Clark:

Thank you for this opportunity to comment on SB 383, which would reduce the primary building setback require under the Comprehensive Shoreland Protection Act (CSPA) for the Town of Wakefield from 50 feet to 30 feet. The Department of Environmental Services (DES) does not support this legislation.

In 2005, Senate Bill 83 created a commission to review the effectiveness of the CSPA. In 2006, after meeting for 13 months, the CSPA Commission filed a final report outlining its conclusions and recommendations. One of the Commission's foremost conclusions was that variability of primary building setbacks from one town to the next led to confusion and accidental violations by landowners and contractors. To address this concern, the Commission recommended that the primary building setback be standardized statewide as 50 feet from the reference line. With the passage of HB 383 during the 2007 legislative session, this recommendation was enacted into law. As proposed, SB 406 would cause setbacks in the Town of Wakefield to revert to 30 feet and set precedent for the potential statewide reversion to the variety of local standards that existed prior to 2007.

Again, thank you for this opportunity to comment on this amended bill. Please feel free to call me at 271-3503, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack
Commissioner

cc: Senator Kenney
Senator Fuller Clark